

HEATHER E. WILLIAMS, Bar #122664
Federal Defender
ERIN SNIDER, Bar #304781
Assistant Federal Defender
Office of the Federal Defender
2300 Tulare Street, Suite 330
Fresno, California 93721
Tel: (559) 487-5561
Fax: (559) 487-5950

Attorneys for Defendant
AUSTIN WRIGHT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN WRIGHT,

Defendant.

Case No. 1:23-cr-00069-ADA-1

STIPULATION TO MODIFY
CONDITIONS OF PROBATION AND
DEFENDANT'S MOTION TO DISMISS
APPEAL; ORDER

JUDGE: Hon. Ana de Alba

IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, Special Assistant United States Attorney Chan Hee Chu, counsel for plaintiff, and Assistant Federal Defender Erin Snider, counsel for defendant Austin Wright, that the Court may modify the conditions of Mr. Wright's term of probation pursuant to 18 U.S.C. § 3563(c). Modification by this Court is particularly appropriate given that the appeal is pending before this Court and the appeal concerns rulings by the assigned magistrate court. Specifically, the parties agree that the Court may modify Condition 4 to lower the fine from \$1,000 to \$500, for a total financial obligation of \$540. The parties also agree that the Court may strike Condition 6, pursuant to which Mr. Wright is to complete 150 hours of community service. In exchange for the government's agreement to modify these conditions, Mr. Wright moves to dismiss the pending appeal.

The parties request that the Court make the following findings:

(1) Pursuant to 18 U.S.C. § 3401(f) and 18 U.S.C. § 3563(c), this Court may modify Mr. Wright's conditions of probation;

(2) A hearing is not required under Federal Rule of Criminal Procedure 32.1(c), as Mr. Wright waives the hearing and, moreover, the relief sought is favorable to Mr. Wright, does not extend the term of probation, and counsel for the government does not object to the modification; and

(3) The proposed modification of probation is an appropriate means of dispensing with the pending appeal given the potentially colorable issues presented and in the interest of conserving the Court's limited time and resources.

Accordingly, the parties hereby request that the Court modify Condition 4 to lower the fine from \$1,000 to \$500, for a total financial obligation of \$540, and strike Condition 6, pursuant to which Mr. Wright is to complete 150 hours of community service. Mr. Wright hereby moves to withdraw his appeal upon the Court's approval of this stipulation.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: June 22, 2023

/s/ Chan Hee Chu
CHAN HEE CHU
Special Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: June 22, 2023

/s/ Erin Snider
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
AUSTIN WRIGHT

///

///


///

ORDER

Upon the parties' stipulation and for good cause shown, the Court hereby modifies Condition 4 to lower the fine from \$1,000 to \$500, for a total financial obligation of \$540, and strikes Condition 6, pursuant to which the defendant is to complete 150 hours of community service. The Court grants the defendant's motion to withdraw the pending appeal.

IT IS SO ORDERED.

Dated: June 29, 2023


UNITED STATES DISTRICT JUDGE